

**Notice of Allowability**

Application No.

10/008,995

Examiner

Romain Jeanty

Applicant(s)

KEIL ET AL.

Art Unit

3623

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/15/2006 and 7/20/06.
2. ☒ The allowed claim(s) is/are 22, 24-31, 83-84, 86-87, 91, and 100.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

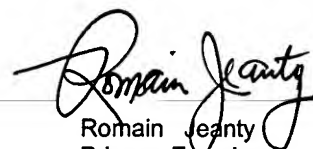
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.



Romain Jeanty  
Primary Examiner  
Art Unit: 3623

### **Information Disclosure Statement**

1. The information disclosure statement filed November 14, 2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the application number (10/008,955) is different from the current application. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey L. Brandt on July 20, 2006.

#### **In the Specification:**

Line 5, after "09754612, ", insert -- now pending,--.

Line 7, after "09845051, ", insert -- now pending,--.

Line 9, after "10/635,387, ", insert -- now pending--.

**In the claims:**

**The claims below represent all the claims that are pending in the application.**

Claims 1-21: Cancelled.

Claim 22 (currently amended) A method for processing preference information, comprising:

~~a first step of~~ determining one or more acceptable changes, each acceptable change corresponding to an attribute of a comparison product; ~~and~~  
determining a utility of a price of the comparison product based on the preference information;

determining a utility of one attribute of the comparison product based on the preference information;

determining a utility of the one attribute as changed according to one of the one or more acceptable changes based on the preference information;

determining a utility of a price of the comparison product as changed according to the one acceptable change based on the preference information;

determining a price of the comparison product as changed according to the one acceptable change based on the determined utility of the price of the comparison product as changed according to the one or more acceptable changes; and

~~a second step of~~ determining an amount willing to be paid, by subtracting the determined price of the comparison product as changed according to the one acceptable change from the price of the comparison product, by a respondent for one or more of the

one or more acceptable changes based on preference information associated with the respondent.

Claim 23: Cancelled

Claim 24 (currently amended) A method according to Claim 22, ~~wherein the second determining step comprises~~ and further including the steps of:

determining an individual amount willing to be paid by each of a plurality of respondents for the one or more of the one or more acceptable changes based on preference information associated with the plurality of respondents; and

determining the amount willing to be paid based on a plurality of the individual amounts willing to be paid.

Claim 25 (original) A method according to 24, further comprising:

presenting an indication of a statistical difference between each of the individual amounts willing to be paid.

Claim 26 (original) A method according to Claim 25, further comprising:

presenting the indication only if the statistical difference exceeds a predetermined value.

Claim 27 (original) A method according to Claims 22 or 24, further comprising:

presenting the amount willing to be paid for the one or more of the one or more acceptable changes.

Claim 28 (original) A method according to Claims 22 or 24, wherein the one or more acceptable changes comprise a plurality of acceptable changes in an attribute, and further comprising:

determining the change in the amount willing to be paid for each of the plurality of acceptable changes as compared to the amount willing to be paid for the comparison product without each of the plurality of acceptable changes.

Claim 29 (original) A method according to Claim 28, further comprising:

presenting, for each of the plurality of acceptable changes in the attribute, a percentage of respondents for whom an acceptable change reflects an unacceptable attribute level.

Claim 30 (original) A method according to Claims 22 or 24, further comprising:

presenting the amount willing to be paid and a cost of the one or more of the one or more acceptable changes.

Claim 31 (original) A method according to Claim 30, further comprising:

presenting a market price of the one or more of the one or more acceptable changes.

Claims 32-82: Cancelled.

Claim 83 (currently amended) A method for processing preference information, comprising:

determining one or more attribute levels of a comparison product;

determining one or more acceptable changes, each of the acceptable changes corresponding to one of the determined one or more attribute levels;

determining a cost of the one or more acceptable changes;

determining a willingness to pay for the one or more acceptable changes based on preference information associated with a respondent; and

determining a first value in a case that the comparison product is changed according to only one change to an attribute, based on a cost of the one change and on a willingness to pay for the one change;

determining a second value in a case that the comparison product is changed according to only a second change to the attribute, based on a cost of the second change and on a willingness to pay for the second change; and

presenting the first value and the second value;

determining whereby using the first value and the second value to determine a  
~~value representing a change in margin in a case that the comparison product is changed~~  
~~according to the one or more acceptable changes, based at least in part on the cost and the~~  
~~willingness to pay.~~

Claim 84 (currently amended) A method according to Claim 83, wherein each of the willingness to pay is an aggregate willingness to pay determined based on preference information associated with a plurality of respondents.

Claim 85: Cancelled.

Claim 86 (original) A method according to Claim 83, further comprising:

determining a willingness to pay for the one or more acceptable changes for each of a plurality of respondents based on preference information associated with each of the plurality of respondents; and

determining a value, for each of the plurality of respondents, representing a change in margin in a case that the comparison product is changed according to the one or more acceptable changes, based at least in part on the cost and the willingness to pay determined for each respondent.

Claim 87 (original) A method according to Claim 86, further comprising:  
determining a percentage or a number of the plurality of respondents that are associated with values within each of a plurality of ranges of values.

Claim 88: Cancelled.

91. (currently amended) An apparatus for processing preference information, comprising:  
a processor; and  
a storage device in communication with the processor and storing instructions adapted to be executed by the processor to:

determine one or more acceptable changes, each acceptable change corresponding to an attribute of a comparison product; and  
determine a utility of a price of the comparison product based on the preference information;

determine a utility of one attribute of the comparison product based on the preference information;

determine a utility of the one attribute as changed according to one of the one or more acceptable changes based on the preference information;

determine a utility of a price of the comparison product as changed according to the one acceptable change based on the preference information;

determine a price of the comparison product as changed according to the one acceptable change based on the determined utility of the price of the comparison product as changed according to the one or more acceptable changes; and



determine an amount willing to be paid, by subtracting the price of the determined comparison product as changed according to the one acceptable change from the price of the comparison product, by a respondent for one or more of the one or more acceptable changes based on preference information associated with the respondent.

Claim 92: Cancelled

Claim 100 (currently amended) An apparatus for processing preference information, comprising:

a processor; and

a storage device in communication with the processor and storing instructions adapted to be executed by the processor to:

determine one or more attribute levels of a comparison product;

determine one or more acceptable changes, each of the acceptable changes corresponding to one of the determined one or more attribute levels;

determine a cost of the one or more acceptable changes;

determine a willingness to pay for the one or more acceptable changes based on preference information associated with a respondent; and

determine a first value in a case that the comparison product is changed according to only one change to an attribute, based on a cost of the one change and on a willingness to pay for the one change;

determine a second value in a case that the comparison product is changed according to

only a second change to the attribute, based on a cost of the second change and on a willingness to pay for the second change; and

presenting the first value and the second value whereby using said first value and said second value to determine a value representing a change in margin in a case that the comparison product is changed according to the one or more acceptable changes, based at least in part on the cost and the willingness to pay.

### **Reasons for Allowance**

3. Claims 22, 24-31, 83-84, 86-87, 91, and 100 are allowed.
4. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

The closest prior art is to Eldering (US Patent No. 7,062,510) discloses the concept of developing product preference descriptions of consumers which describe the brand and size product that they purchase. However, Eldering fails to teach determining an amount willing to be paid, by subtracting the determined price of the comparison product as changed according to the one acceptable change from the price of the comparison product, by a respondent for one or more of the one or more acceptable changes based on preference information associated with the respondent taken in combination with a method for processing preference information as recited in independent claim 22.

The closest prior art is to Eldering (US Patent No. 7,062,510) discloses the concept of developing product preference descriptions of consumers which describe the brand and size product that they purchase. However, Eldering fails to teach determining a second value in a case that the comparison product is changed according to only a second change to the attribute,

based on a cost of the second change and on a willingness to pay for the second change, whereby using the first and second value to determine a change in margin taken in combination with a method for processing preference information as recited in independent claim 83.

The closest prior art is to Eldering (US Patent No. 7,062,510) discloses the concept of developing product preference descriptions of consumers which describe the brand and size product that they purchase. However, Eldering fails to teach determining an amount willing to be paid, by subtracting the price of the determined comparison product as changed according to the one acceptable change from the price of the comparison product, by a respondent for one or more of the one or more acceptable changes based on preference information associated with the respondent taken in combination with an apparatus for processing preference information as recited in independent claim 91.

The closest prior art is to Eldering (US Patent No. 7,062,510) discloses the concept of developing product preference descriptions of consumers which describe the brand and size product that they purchase. However, Eldering fails to teach determining a second value in a case that the comparison product is changed according to only a second change to the attribute, based on a cost of the second change and on a willingness to pay for the second change, whereby using the first and second value to determine a change in margin taken in combination with an apparatus for processing preference information as recited in independent claim 100.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

## **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Garg (US Patent No. 6,009,407) discloses the concept of generating consumer preference data.

b. Douglas (WO 9726612 A1) discloses the concept of collecting consumer product preference data.

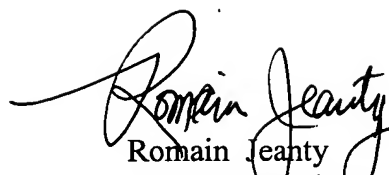
c. Chang et al (Goodies in exchange for consumer information on the Internet: the economics and issues) discloses the concept of collecting consumer preference information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 23, 2006



Romain Jeanty  
Primary Examiner  
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